

EXPANDED AGENDA
Board of Adjustment, District 3
Tuesday, December 13, 2011
J.P. Courtroom, County Service Center
126 W. 5th Street, Benson, Arizona

6:30 P.M. Call to Order

Roll Call (Introduce Board members, and explain quorum)

(Also explain procedure for public hearing, i.e., after Planning Director's Report, Applicant will be allowed 10 minutes; other persons will each have 5 minutes to speak and Applicant can have 5 minutes for rebuttal at end, if appropriate.)

Determination of Quorum

Approval of Previous Minutes

NEW BUSINESS

Item 1: Public Hearing, Docket BA3-11-02 (Smith): The Applicant seeks a Variance to Section 704.04 of the Zoning Regulations, which requires that all structures be set back no less than 20 feet from all property lines. The Applicant intends to construct a 720 square foot workshop and a 540 square foot pole barn 5 feet from the Southern property line.

The subject parcel (Parcel No. 208-45-010B) is located at 1380 N. Old Pomerene Road in Pomerene, AZ. The Applicant is Amanda Fulcher of the same address.

- Call for PLANNING DIRECTOR'S PRESENTATION
- Declare PUBLIC HEARING OPEN
 - 1) Call for APPLICANT'S STATEMENT
 - 2) Call for COMMENT FROM OTHER PERSONS (either in favor or against)
 - 3) Call for APPLICANT'S REBUTTAL (if appropriate)
- Declare PUBLIC HEARING CLOSED
- Call for BOARD DISCUSSION (may ask questions of Applicant)
- Call for PLANNING DIRECTOR'S SUMMARY AND RECOMMENDATION
- Call for MOTION
- Call for DISCUSSION OF MOTION
- Call for QUESTION
- ANNOUNCE ACTION TAKEN (with Findings of Fact)

Item 2: Election of Officers

Item 3: Call for Planning Director's Report

Item 4: Call to the Public

ADJOURNMENT



COMMUNITY DEVELOPMENT DEPARTMENT

Planning, Zoning and Building Safety

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

Fax 432-9278

Carlos De La Torre, P.E., Director

MEMORANDUM

TO: Cochise County Board of Adjustment, District 3
FROM: Keith Dennis, Senior Planner
For: Michael Turisk, Interim Planning Director
SUBJECT: Docket BA3-11-02 (Fulcher)
DATE: December 6, 2011 for the December 13, 2011 Meeting

APPLICATION FOR A VARIANCE

The Applicant, seeks a Variance to Section 704.04 of the Zoning Regulations, which requires that all structures be set back no less than 20 feet from all property lines in a TR-18 Zoning District. The Applicant intends to construct a 720 square foot workshop and a 540 square foot pole barn 5 feet from the Southern property line.

The subject parcel (#208-45-010B) is located at 1380 N. Old Pomerene Road in Pomerene, AZ. The Applicant is Amanda Fulcher of the same address.

I. DESCRIPTION OF PARCEL AND SURROUNDINGS

Size: 42,209 square feet (0.97 acres)
Zoning: TR-18 (Residential, one dwelling per 18,000 square feet)
Growth Area: Category C – Rural Community Growth Area
Plan Designation: Neighborhood Conservation
Area Plan: None Applicable
Existing Uses: Single-Family Manufactured Home Dwelling
Proposed Uses: Addition of a workshop and pole shed.

Relation to Subject Parcel	Zoning District	Use of Property
North	TR-18	Pomerene School
South	TR-18	Rural Residential, Agriculture
East	TR-18	Rural Residential
West	TR-18	Undeveloped Land

II. PARCEL HISTORY

1998 – Permit issued for installation of a 1,439 square foot manufactured home.

There are no violations associated with the subject property.



Westward view of the property entrance.

III. PROJECT DESCRIPTION

Per the Variance application, the Applicant intends to construct a 720 square foot workshop and a 540 square foot pole barn 5 feet from the Southern property line. The structures would be set back 20 feet from the Western property boundary as required by standard. Per the Applicant, the barn is to be used to store vehicles such as quads and a car that the family is restoring. The workshop is for the personal use of Mr. Fulcher. A future concrete pad adjacent to the garage will be used as a basketball court for the Applicant's family.

The Applicant's parents reside on the property immediately South; the 5-foot setback Variance request is along the shared property line between these two parcels.

IV. ANALYSIS OF IMPACTS

As discussed, the structures would abide by the required 20-foot setback along the West property boundary. The Applicant's parents who live along the South side, where the Variance is requested, have not indicated any opposition to the request. Staff's position is that the Variance would not create any significant off-site impact.

V. PUBLIC COMMENT

The Department mailed notices to neighboring property owners within 300 feet. Staff posted the property on November 26, 2011 and published a legal notice in the *Bisbee Observer* on November 23, 2011. To date, the Department has received correspondence from one neighbor opposing the request. This neighbor owns property immediately West of the Fulcher property, and cites a number of complaints against the Applicant unrelated to the request. This neighbor also expressed concern that the proposed pole barn would be used for livestock. In such an instance the barn would be required to be set back no less than 50 feet from all property lines. In

conversations with the Applicant, staff was informed that the family does not own any livestock and has no intention to acquire any.



Southeast view of the proposed project site.

VI. SUMMARY AND CONCLUSION

Factors in Favor of Allowing the Variances

1. Allowing the Variance would not produce any off-site impacts.

Factors Against Approval

1. One neighbor opposes the request.

Recommendation

Based on the factors in favor of approval, staff recommends approval of the requested Variance.

Sample Motion: *Mr. Chairman, I move to approve Docket BA3-11-02, granting the requested Variance, with the factors in favor of approval listed in the staff report as findings of fact.*

VIII. ATTACHMENTS

Variance Application

Location Map

Site Plan

Public Comment



COMMUNITY DEVELOPMENT DEPARTMENT

Planning, Zoning and Building Safety
1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240
Fax 432-9278

COCHISE COUNTY

OCT 24 2011

PLANNING

APPLICATION FOR VARIANCE

DESIRING A VARIANCE FROM THE TERMS OF THE COCHISE COUNTY ZONING REGULATIONS:

TO THE HONORABLE BOARD OF ADJUSTMENT, DISTRICT 3.

I (we), the undersigned, hereby petition the Cochise County Board of Adjustment, District 3 to grant a variance from the terms of the Cochise County Zoning Regulations as follows:

(Note: Complete all the following items. If necessary, attach additional sheets.)

1. Tax Parcel Number: 208-45-010B
2. Address of Parcel: 1380 N. Old Pomerene Rd
Pomerene Az 85627
3. Area of Parcel (to nearest tenth of an acre): 1 acre (.97)
4. Zoning district classification of parcel: 3
5. Describe existing uses of the parcel and the size and location of existing structures and buildings on it. Home land

Structure include : Mobile Home North East of parcel 54'x28'
Pole Barn w/Tack shed South center 30'x12'
Shed - north center 12'x14'

6. Describe all proposed uses or structures, which are to be placed on the property.

Proposed structure to be placed on the South west corner
of the parcel. 24'x30' workshop for personal use and
15'x36' Pole Barn for covered parking + storage.

7. State the specific nature of the variance or variances sought, identifying the applicable section or sections of the Cochise County Zoning Regulations.

We are requesting a Variance to construct a building 5 foot off the southern property line instead of the regulated 20 foot off property line.

8. A variance may be granted only when, due to any peculiar situation surrounding a condition of a specific piece of property, including unusual geographic or topographic conditions, strict application of the Zoning Regulations would result in practical difficulties or unnecessary hardship to the property owner. In granting variances, however, the general intent & purpose of the Zoning Regulations will be preserved. (See Section 2103.02 on variances (attached) Describe the reasons for requesting the variance and attach any documents necessary to demonstrate compliance with the provisions cited in #7 above.

If building was placed 20' off property line multiple trees would have to be removed. The northern property is higher and has run off which would result in erosion of the property where the trees would have to be removed if building was placed 20' off the southern property line.

9. State why the variance would not cause injury to or impair the rights of surrounding property owners. Identify conditions you propose, if any, to minimize the impact on surrounding properties. It shall be the responsibility of the applicant to submit any studies and/or data necessary to demonstrate the effectiveness of the alternative conditions.

The variance would affect the southern property line only. That property is separated by a 20' private easement which the requested structure would be against. The southern property is used as a farming field and is owned by applicant's father.

10. List the name and address of all owners of the parcel(s) for which the variance is sought.

PROPERTY OWNER

ADDRESS

George and Donna Smith

PO Box 13, Pomerene Az 85627

The undersigned hereby certifies and declares that to the best of his/her knowledge and belief the data submitted on and attached to this application for a variance from the terms of the Cochise County Zoning Regulations are true and correct.

SIGNATURE OF PETITIONER

ADDRESS

DATE

Annula J. Fulcher

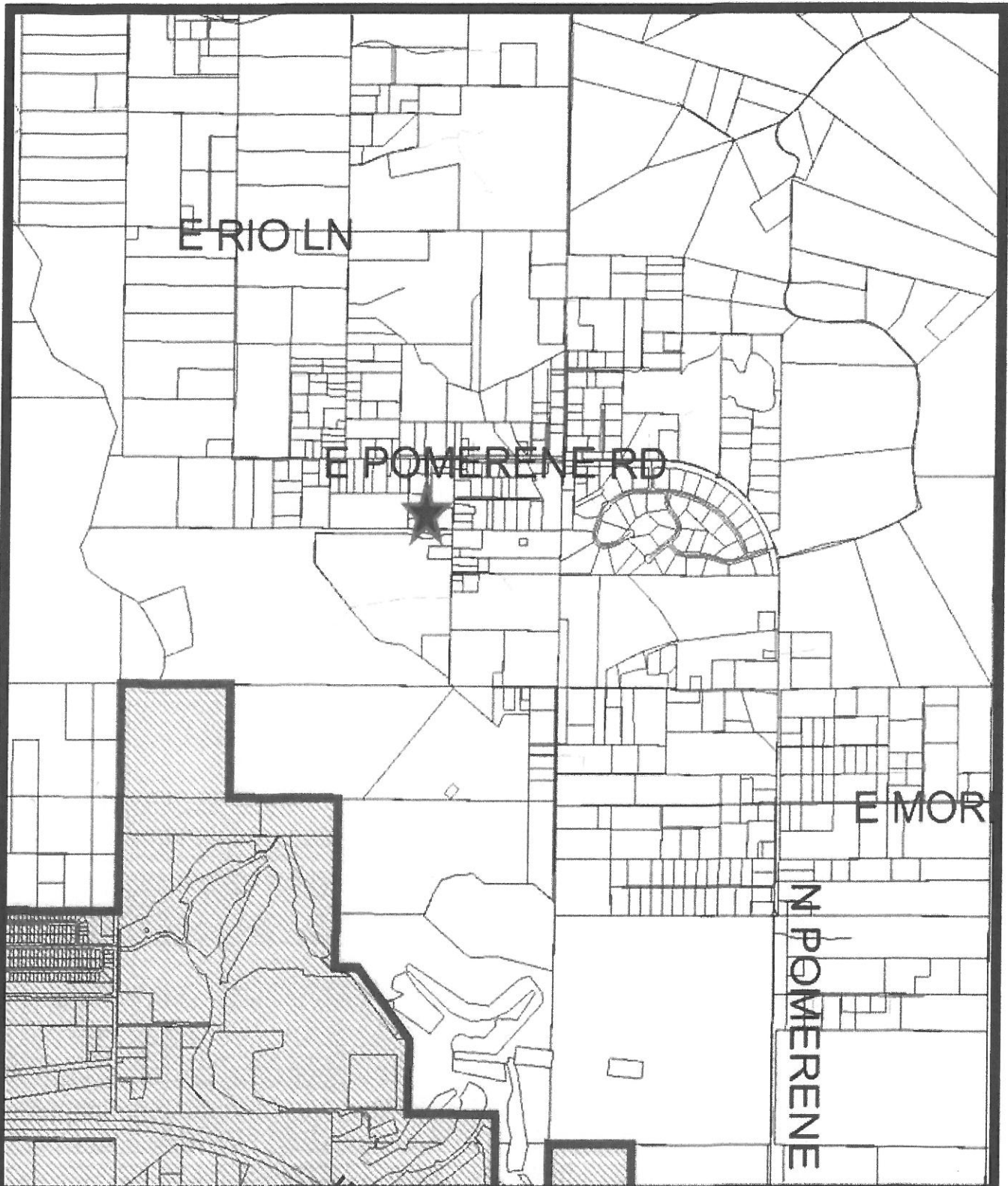
PO Box 228 Pomerene Az 85627

10-20-11

APPLICANT'S PHONE NUMBER H: 520-586-1339 W: 520-586-5454

APPLICANT'S EMAIL ADDRESS lafulcher@q.com or afulcher@ssw.coop

Note: Each application shall be accompanied by an accurate site plan showing the parcel of land and the existing and proposed structures and buildings on it, and shall be accompanied by a check in the amount of three hundred (\$300) payable to the Cochise County Treasurer. Return to the Cochise County Community Development Department, 1415 Melody Lane, Building E, Bisbee, Arizona, 85603.

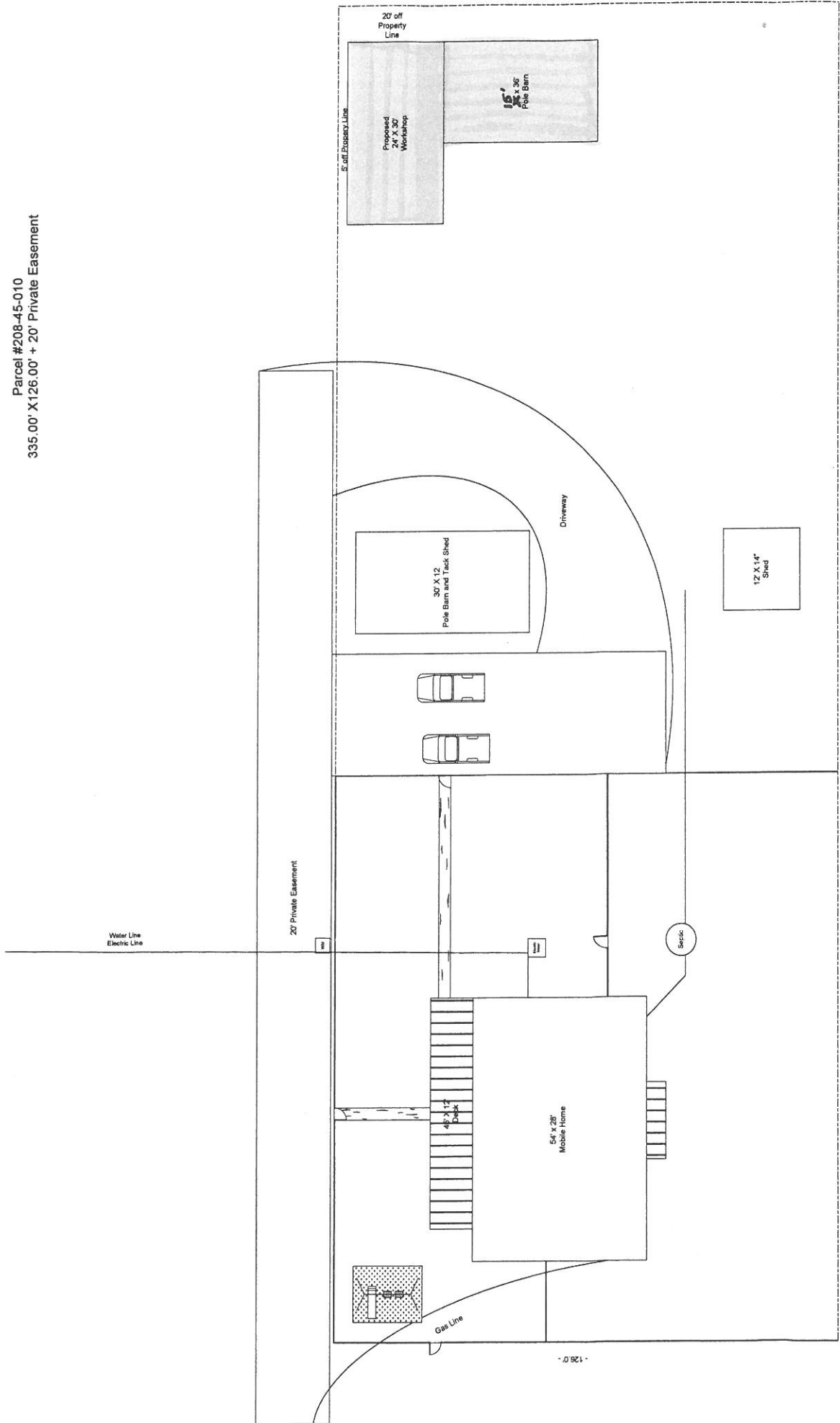


Docket BA3-11-02
(Fulcher)
Location Map

This map is a product of the
Cochise County GIS



Parcel #208-45-010
335.00' X 126.00' + 20' Private Easement



VARIANCE: Docket BA3-11-02 (Smith)

____ YES, I SUPPORT THIS REQUEST

Please state your reasons: _____

____ NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons: _____

See Attached

(Attach additional sheets, if necessary)

PRINT NAME(S):

Lonny L Jones

SIGNATURE(S):

Lonny L Jones

YOUR TAX PARCEL NUMBER: 208-45-013 (the eight-digit identification number found on the tax statement from the Assessor's Office)

YOUR ADDRESS 575 E Pomerene Rd, Pomerene, AZ

Mailing Address: 575 E Pomerene Rd, Benson, AZ 85602

Upon submission of this form or any other correspondence, it becomes part of the public record and is available for review by the Applicant or other members of the public. **Written comments must be received by our Department no later than 4 PM on December 5, 2011 if you wish the Board to consider them before the meeting. We can not make exceptions to this deadline, however, if you miss the written comment deadline you may still make a statement at the public hearing listed above. NOTE: Please do not ask the Board to accept written comments or petitions at the meeting, as they do not have sufficient time to read materials at that time. Your cooperation is greatly appreciated.**

COCHISE COUNTY

RETURN TO: Keith Dennis

Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, AZ 85603
Email: kdennis@cochise.az.gov
Fax: (520) 432-9278

NOV 28 2011

PLANNING

November 25, 2011

Community Development Dept.
Planning, Zoning and Building Safety
Attn: Keith Dennis
Senior Planner

RE: Variance to Section 704.04
Parcel No. 208-45-010B
1380 N Old Pomerene Rd.
Pomerene, Az

NO, I DO NOT SUPPORT THIS REQUEST for the reasons of:

I use the adjacent property to walk my dogs and in the past I have found Paintball cartridges in that area. I did ask the neighbors about these items and he did admit to having been using them and shooting in the direction of my property. I have also had to speak to them about placing their cat feces along the property line which can destroy fence posts and causing my dogs to eat it. How many neighbors do this? I did speak to George Smith twice about this and it did stop. There is also a small dyke on the south end of the property, against the fence, where Mrs. Fulther would dump her dogs feces and it would roll into my property. I spoke to her and she did stop that, where with the cat feces I had to speak to her twice. Just recently I have had to speak to them about loud music. I can hear the music inside my house which is at least 500 yards away. On the third attempt I had to call the law. From that same neighbor (previous husband), I have had to speak to them concerning large radio controlled planes flying over my stock and home. That is a concern to me, in the fact that my horses could spook or get hit by it, and run into and out of their corrals and get injured.

My understanding is that a barn is a structure to house stock, ie. horses, cattle, etc. Therefore I am requesting that this structure be the legal 50 feet from my property line.

So if you DO grant this request, I am asking that the workshop and barn be 50 Feet from the property line, the workshop CANNOT be for commercial use, and the owners always have a clean space between the property line and the structures west of them. I have tried to be a good neighbor but these people just don't seem to want to abide by the law. I want the County to make them honor the existing setbacks of this existing zoning and not allow this variance.

Lonny L. Jones

Tax Parcel Number 208-45-013

Address 575 E Pomerene Rd
Pomerene, Az